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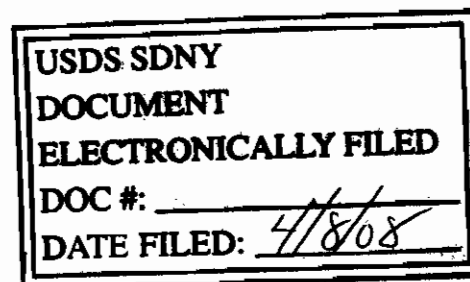info@trainlaw.com

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MEMO ENDORSED

BY FAX 212-805-7949
Hon. P. Kevin Castel
United States Courthouse
500 Pearl Street
New York, N.Y. 10007

March 24, 2008

USDS SDNY
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DATE FILED: 4/8/08

Re: Herbst v. Metro-North and MTA
      08 CIV. 2964

Dear Judge Castel,

I represent the plaintiff in the above-referenced matter. On March 24, 2008, I wrote to the Court to request that this matter be transferred to the White Plains District Court which was my selection for venue when I filed the case there. I recently spoke with one of your law clerks by telephone and inquired as to the status of my request. I was directed to Local Rule 21. I have read Local Rule 21 and believe that rule would permit the requested transfer. Local Rule 21 states in pertinent part:

Rule 21. Designation of White Plains Cases

(a) Civil.

At the time of filing, the plaintiff's attorney shall designate on the civil cover sheet whether the case should be assigned to White Plains or Foley Square.

A civil case shall be designated for assignment to White Plains if:

(iii) The claim arose outside this district and at least some of the parties reside in the Northern Counties;

The accident in question took place at the Stamford, CT. train station and the plaintiff resides in Stamford, CT. Although the defendants maintain their executive offices at 347 Madison Avenue in New York City, Metro-North Railroad (a wholly owned subsidiary of MTA) run three different lines of railroad in Westchester County and operates major maintenance facilities in Croton-on-Hudson and North White Plains, in Westchester County. A reasonable interpretation of "reside" should include multiple maintenance facilities that employ hundreds of railroad workers.

No Answer to the Complaint has been filed as of this date. Thank you for your consideration in this matter.

Respectfully,

Ira M. Maurer, Esq.

IMM/im